

DIST/OFFICE	DOCKET F. NUMBER	FILING DATE MO. DAY YEAR	J	N/S	O	R	R 23	\$	DEMAND OTHER	JUDGE NUMBER	JURY DEM.	DOCKET YR. NUMBER
1085/4	75 0187	05 14 75	4	190	5	21		28		8509	P X	75 0187-B

PLAINTIFFS

DEFENDANTS

MORRELL BRUSH MANUFACTURING CORP.

TANDY INDUSTRIES, INCORPORATED

CAUSE

To collect money owed for goods and materials delivered to defendant.

ATTORNEYS

Sterling W. Steves  
Steves & Morgan  
524 Fort Worth Club Bldg.  
Fort Worth, Texas 76102

Victor Law Ellis  
1300 Mid-Continent Bg.  
Tulsa, Ok. 74103 (587-4421)

Henry O. Getchell  
~~Kent D. Kibbie~~  
McGown, Godfrey, Decker, etc.  
18th Floor, Commerce Bldg.  
Fort Worth, Texas 76102  
336-0361

David F. James  
900 Sooner Federal Bldg.  
Tulsa, Okla. 74103  
583-2131

<input type="checkbox"/> CHECK HERE IF CASE WAS FILED IN FORMA PAUPERIS	FILING FEES PAID			STATISTICAL CARDS	
	DATE	RECEIPT NUMBER	C.D. NUMBER	CARD	DATE MAILED
				JS-5	6-1-75
				JS-6	7-1-76

DATE	NR.	PROCEEDINGS	
5-14-75	1.	Cert. Copy of Order transferring case from the N.D. of Tex. to N.D. of Oklahoma, filed.jj	
5-14-75 1974	2.	Original Transcript of Record, filed.jj	
Jan 23		Filed COMPLAINT and Issued SUMMONS (1)	
Jan 29		Filed MARSHAL'S RETURN on summons/complaint to Tandy Industries, Inc. executed on 1/28/74	
Feb 14		Filed Defendant's MOTION For Change of Venue	
Feb 14		Filed Defendant's ANSWER	
Feb 14		Filed Defendant's WRITTEN INTERROGATORIES to Plaintiff	
Feb 28		Copy of Rules mailed to attorneys	
Mar 26		Filed Plaintiff's ANSWERS to Interrogatories	
Mar 28		Filed Defendant's MEMORANDUM OF Authorities in Support of Motion for Change of Venue	
Jan 27 <sup>1975</sup>		Filed DEPOSITION of Robert Lustberg, taken on behalf of Defendant	
Apr 14		Filed ORDER Setting Schedule for Disposition of Case- Discovery to be completed on or before Dec. 1, 1975; Trial set for week of January 19, 1976; Pre-Trial set at 10:30 A.M. on Dec. 17, 1975	EBM
Apr 14		Notified attorneys of record	
May 12		Filed ORDER "that defendant Tandy's motion for change of venue is well-founded and the Court ORDERS that this cause be transferred to the Northern District of Oklahoma".	EBM
		File sent to N/D Oklahoma 5/12/75	
		Attorneys notified	
10-9-75	MO	Parties are directed to hold PT conf. on or before 11-19-75 & file PT Order on or before 11-26-75. (AEB-J)k cps by cert mail	
12-1	3	Pre-Trial order, filed. (AEB-J)g cps mld	
12-3 1976	4.	Entry of Appearance as Resident Counsel for the Defendant, filed. tc	
1-6	5	Entry of appearance of Victor Law Ellis on behalf of pltf., filed. g	
1-27	MO:	Case set for JURY TRIAL on 2-23-76 at 10:00 a.m. (AEB-J)v -ntc mld.	
2-10	6.	Motion for Continuance, filed.jj	
2-12	MO	The Court has for consideration the Motion for Continuance filed by the pltf., and having carefully considered the same, IT IS ORDERED that said Motion for Continuance be and the same is hereby denied. (AEB-J)g mld.	
2-18	MO	The Court having reconsidered plaintiff's motion for continuance, & being fully advised in the premises, <u>It Is Ordered</u> that Pltf's. Mot. for continuance be & the same is hereby granted. <u>It is Ordered</u> that this case be set on the next jury docket. No further continuances will be granted from the next setting.(AEB-J)t cps. mld.	

PLAINTIFF		DEFENDANT	DOCKET NO. _____
MORRELL BRUSH MANUFACTURING		TANDY INDUSTRIES, INC.	PAGE 3 OF 2 PAGES
DATE	NR.	PROCEEDINGS	
2-19	7	Deft's Suggested charge of the Ct. & Memo of Authorities, filed.t	
2-19	8	Defts. Suggested Voir Dire, filed.t	
2-19	9	Certificate of Service, filed.t	
2-25	--	Deposition of IRWIN S. CASPER in New York on 8-8-75 before Harold Melman, Reporter, filed. Taken on behalf of Deft. v	
2-25	--	Deposition of GEORGE E. WELLMAN taken on 10-9-75 in Fort Worth, TX, before Patsye Davis, filed. Taken on behalf of Pltf. w/fees of \$51.35. v	
2-25	--	Deposition of BARRY W. WITT taken for Pltf. on 10-24-75 in Fort Worth, TX, taken before Jane C. Hawkins. v	
3-31	MO:	Case set for jury trial on 5-26-76, at 10:00 A.M.(AEB-J)b nts mld w/affid.	
4-13	10	Notice of taking deposition by written questions, filed; of Sterling W. Steves and James W. Harper.t	
5-4	11	Sterling W. Steves' Answers to Depo by written questions, filed.t	
5-4	12	James W. Harper's Answers to Depo by written questions, filed.t	
5-17	13	Stipulation of Counsel amending Pre-trial Order, filed.(AEB-J)b cps mld	
5-21	MO:	Case stricken from jury docket of 5-26-76 & re-set for 5-24-76, at 9:30 A.M.(AEB-J)b nts by phone	
5-21	14.	Exhibit affidavit of Deft. filed. b	
5-24	15.	Pltf's Trial brief, filed. b	
5-24	16	Pltf's/affidavit, filed. b	
5-24	17.	Pltf's requested instructions, filed. b to MC	
5-24		Case called for jury trial. Parties present & represented. Upon motion of Mr. James, Mr. Henry O. Getchell is admitted for the purpose of this trial. Parties announce ready. Jury selected. Trial date passed to 5-27-76, at 10:00 A.M. All witnesses are recognized back.(AEB-J)b	
5-28		Case tried to Jury on 5-27 & 5-28-76. Parties present & represented. Jury Sworn. Rule invoked. Parties make opening statements & Pltf. presents case in chief, witnesses sworn & testify. Stipulations read into record. Pltf. rests & Deft's motion for directed verdict taken under advisement. Deft presents case in chief, witnesses sworn & testify. Parties rest. Closing arguments made & Deft renews motion for directed verdict. Ct. overrules. Ct. instructs jury. Bailiff sworn. 5-28-76, 2:47 P.M., Jury retires to deliberate. (5-28-76, 5:15 P.M.) Jury returns w/verdict. Ct. orders verdict received, read & filed in open court. Jury finds against Pltf. & in favor of Deft. Ct. orders Judgment by Jury verdict spread of record by Clk. Jury is discharged.(AEB-J)b	
5-28	18.	Jury Verdict, filed In open court. b	
5-28		Note from Jury, filed. b	
5-28		Trial exhibits, filed. b	
6-3	19	Judgment, by jury verdict, entered, finding that the Pltf. take nothing & that the Deft. recover of the Pltf. their costs of action.(JCS-CLK) b cps mld	
6-7	20.	Bill of Costs fld. by Deft. Taxation hrg. set for 6-14-76 at 10:00 a.m. v	

## BARROW

## CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF Morrell Brush	DEFENDANT Tandy Industries	DOCKET NO. <u>75-C-187</u> B PAGE ____ OF ____ PAGES
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DATE	NR.	PROCEEDINGS
6-14-76		Cost hearing held before Clerk. Costs taxed in amt. of \$334.60 in favor of def. and against pltf. (JCS-Clk)rm
9-1	21	Deft's motion to tax as costs a reasonable attorney fee for the defendant, w/brief and affidavits in support thereof, filed.s
9-1	MO	It is ordered by the Court that the Pltf. file a responsive brief within ten (10) days to the Deft's mot. to tax as costs a reasonable attorney fee for the Deft. (AEB-J) cps. mld.
9-13	22.	Pltf's brief in response to deft's mot. to tax as costs a reasonable attorney fee, filed.s
11-17	23.	Order, filed, sustaining deft's mot. to tax as costs a reasonable atty. fee, and the deft. is awarded an atty fee of \$5,000.00 to be taxed as costs. (AEB-J)k cps mld Entered.
11-9-77	24	Satisfaction of Judgment, fld. ho